

CITY OF GROSSE POINTE WOODS, MICHIGAN
20025 Mack Plaza Dr.
Planning Commission Meeting
Tuesday, November 24, 2015
7:30 p.m.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **ACCEPTANCE OF AGENDA**
5. **RECOGNITION OF COUNCIL REPRESENTATIVE/S**
6. **APPROVAL OF MINUTES:**
Planning Commission – 10/27/15
7. **PUBLIC HEARING: UNDER THE PROVISIONS OF MICHIGAN COMPILED LAWS, SECTIONS 125.3101 THROUGH 125.3702 AS AMENDED, TO AMEND CHAPTER 50 ZONING, SECTION 50-526, ACCESSORY BUILDINGS, BY ADDING REQUIREMENTS FOR PERMITS, CONCRETE SLABS AND RATWALLS**
 - A. Memo – 10/22/15 – Building Official (Tutag)
 - B. PC Excerpt – 10/27/15
 - C. Letter w/Planning Commission Report – 11/18/15 – City Attorney (C. Berschback)
 - D. Affidavit of Legal Publication, Notice of Public Hearing – 11/05/15
 - E. Proposed Ordinance #50-526(1)
8. **BUILDING OFFICIAL'S MONTHLY REPORT:**
Building Department Report – October 2015
9. **COUNCIL REPORTS:**
November 02 – Hamborsky
November 16 – Profeta
10. **INFORMATION ONLY: COUNCIL REPRESENTATIVE FOR NEXT MEETING:**
December – Reiter
11. **NEW BUSINESS:**
2020 Plan (Hamborsky/Vitale/Fuller/Gilezan)
Special Sign (Vaughn/Fuller/Stapleton)
12. **PUBLIC COMMENT:**
13. **ADJOURNMENT:**

PLANNING COMMISSION
10/27/15 – 21

MINUTES OF THE PLANNING COMMISSION OF THE CITY OF GROSSE POINTE WOODS HELD ON TUESDAY, OCTOBER 27, 2015, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK AVENUE, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:36 p.m. by Chair Vitale.

Roll Call: Chair Vitale
Fuller, Gilezan, Hamborsky, Rozycki, Vaughn

Absent: Profeta, Stapleton

Also Present: Building Official Tutag
City Attorney Chip Berschback
Deputy City Clerk Gerhart

Motion by Vaughn, seconded by Gilezan, that Commission Members Profeta and Stapleton be excused from tonight's meeting.

MOTION CARRIED by the following vote:

YES: Fuller, Gilezan, Hamborsky, Rozycki, Vitale, Vaughn
NO: None
ABSENT: Profeta, Stapleton

Motion by Rozycki, seconded by Fuller, that all items on tonight's agenda be received, placed on file, and taken in order of appearance.

MOTION CARRIED by the following vote:

YES: Fuller, Gilezan, Hamborsky, Rozycki, Vitale, Vaughn
NO: None
ABSENT: Profeta, Stapleton

Motion by Vaughn, seconded by Gilezan, regarding **Approval of Minutes**, that the Planning Commission minutes dated September 22, 2015, be approved as corrected.

MOTION CARRIED by the following vote:

YES: Fuller, Gilezan, Hamborsky, Rozycki, Vitale, Vaughn
NO: None
ABSENT: Profeta, Stapleton

PLANNING COMMISSION
10/27/15 – 22

The next item on the agenda was a **Site Plan Review Continued: Screen for Rooftop Mechanical Unit - Churchill's Bistro Cigar Bar, 19271 Mack Ave.** Paul Weisberger, Counsel for Churchill's Bistro Cigar Bar, and Ed Etchen of Etchen Gumma Limited, were present for questions and discussion. Mr. Tutag then provided an overview of the project and recommended approval of the site plan dated October 14, 2015.

Motion by Gilezan, seconded by Hamborsky, regarding the Site Plan Review Continued: Screen for Rooftop Mechanical Unit: Churchill's Bistro Cigar Bar, 19271 Mack Ave, to approve the site plan dated October 14, 2015, with the Building Official to have final approval regarding the height of the third story windows and the building material used on the screening as to provide an adequate match to the second story.

MOTION CARRIED by the following vote:

YES: Fuller, Gilezan, Hamborsky, Rozycki, Vitale, Vaughn
NO: None
ABSENT: Profeta, Stapleton

The next item on the agenda was regarding **scheduling a public hearing to amend the Zoning Ordinance, Section #50-526 Accessory Buildings.** Building Official Tutag provided an overview of the proposed amendment.

Motion by Rozycki, seconded by Vaughn, that the Planning Commission schedule a **Public Hearing** at the regular meeting **on November 24, 2015, to amend Chapter 50 Zoning, Section 50-526 Accessory Buildings.**

MOTION CARRIED by the following vote:

YES: Fuller, Gilezan, Hamborsky, Rozycki, Vitale, Vaughn
NO: None
ABSENT: Profeta, Stapleton

The next item on the agenda was the **Building Official's Monthly Report – September 2015.** Mr. Tutag reported the following:

- A veterinary clinic will replace Bellissima Boutique at 20419 Mack;
- The Building Department has been extremely busy with home improvement permits;
- Commission Member Vaughn attended the open house at the Rivers. It was very well attended, and he complimented the facility.

Regarding the **October 2015 Council Reports:**

- Member Gilezan had nothing to report.

Commission Member Hamborsky will attend the Council Meetings in November.

PLANNING COMMISSION

10/27/15 – 23

Under **New Business**, the following **Subcommittee Reports** were provided:

2020 Plan – Commission Members Hamborsky, Vitale, and Fuller reported that additional work has taken place and the plan will be presented at the next meeting.

Special Sign – Commission Members Vaughn and Fuller reported that Reed v. Town of Gilbert, Arizona will have some impact on the sign ordinance but any changes could be brought before the full commission. The City Attorney then provided an overview of the Supreme Court case. He stated the ruling was limited in scope to non-commercial signage and the City Ordinance will be reviewed to ensure compliance with the opinion.

Motion by Vaughn, seconded by Fuller, to disband the Special Sign Committee.

MOTION CARRIED by the following vote:

YES: Fuller, Gilezan, Hamborsky, Rozycki, Vitale, Vaughn

NO: None

ABSENT: Profeta, Stapleton

The City Attorney then provided an oral report on a potential zoning ordinance amendment pertaining to special land uses permitted in the C-2 zoning district. He intends on having a draft of the proposed ordinance for a public hearing in the spring of 2016.

Motion by Hamborsky, seconded by Rozycki, that the Planning Commission Meeting be adjourned at 8:44 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Steve Gerhart
Deputy City Clerk

**CITY OF GROSSE POINTE WOODS
BUILDING DEPARTMENT
MEMORANDUM**

TO: Planning Commission
FROM: Gene Tutag, Building Official
DATE: October 22, 2015
SUBJECT: Proposed amendment, Section #50-526 Accessory Buildings

The Michigan Building Code exempts accessory structures with an area of less than 200 square feet from obtaining a building permit. However, the code requires that all applicable building practices be followed even if the work is exempt from permit.

To verify that the appropriate construction standards are met, it is recommended that the ordinance be amended by added a requirement that a rat wall for all structures including those under 200 square feet and a building or zoning compliance permit is mandatory as follows:

Sec. 50-526(1):

(g) Accessory buildings not exceeding 200 square feet require a zoning compliance permit issued by the Building Inspector, shall be placed on a 4 inch concrete slab over 4 inches of compacted sand, and shall have a 4 inch by 24 inch concrete rat wall below existing grade.

(h) Accessory buildings in excess of 200 square feet require a building permit issued by the Building Inspector, shall have a 4 inch by 24 inch rat wall, and shall have a 4 inch concrete slab or a frost protected foundation as required by State Building Code as amended.

City Attorney Charles Berschback and I are requesting that a public hearing be scheduled for the November 24, 2015 Planning Commission meeting

PLANNING COMMISSION EXCERPT
10/27/15

The next item on the agenda was regarding **scheduling a public hearing to amend the Zoning Ordinance, Section #50-526 Accessory Buildings**. Building Official Tutag provided an overview of the proposed amendment.

Motion by Rozycki, seconded by Vaughn, that the Planning Commission schedule a **Public Hearing** at the regular meeting **on November 24, 2015, to amend Chapter 50 Zoning, Section 50-526 Accessory Buildings**.

MOTION CARRIED by the following vote:

YES: Fuller, Gilezan, Hamborsky, Rozycki, Vitale, Vaughn
NO: None
ABSENT: Profeta, Stapleton

CHARLES T. BERSCHBACK

ATTORNEY AT LAW

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ST. CLAIR SHORES, MICHIGAN 48080-1530

(586) 777-0400

FAX (586) 777-0430

blbwlaw@yahoo.com

CHARLES T. BERSCHBACK

DON R. BERSCHBACK
OF COUNSEL

November 18, 2015

Planning Commission
City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

RE. Shed Ordinance

Dear Planning Commission:

This matter is scheduled for a public hearing on November 24, 2015. Grosse Pointe Woods Code Section 50-120 authorizes the Council to amend the Zoning Ordinance after a public notice and hearing as provided by law and "after report by the Planning Commission". Consistent with past practices, there is no need to have a motion to open the public hearing, the Chair can simply mention during the introduction to the agenda item that the public hearing is now open. After the administration is given an opportunity to introduce the topic, the Chair should seek comments from the audience, first in favor of the proposed ordinance, and then in opposition to the proposed ordinance. At the conclusion of any public comment, there should be a motion to close the public hearing. At that point, the Planning Commission members should have an opportunity to discuss the issue. If it is the intent of the Planning Commission to provide a favorable report to the Council, there should be a motion "to adopt the proposed resolution as prepared by the City Attorney, and recommend to the City Council that the proposed ordinance amending Section 50-526 regarding Accessory Buildings be adopted by the City Council".

If you have any questions, please call.

Very truly yours,



CHIP BERSCHBACK

CTB:nmg

cc: Skip Fincham
Gene Tutag
John Vitale

THE CITY OF GROSSE POINTE WOODS

PLANNING COMMISSION REPORT

WHEREAS, the Grosse Pointe Woods Planning Commission conducted a public hearing on November 24, 2015 and reviewed a proposed amendment to Chapter 50 Zoning, Section 50-526 Accessory Buildings which would add requirements for permits, concrete slabs, and rat walls for certain accessory buildings, and;

WHEREAS, the Planning Commission has reviewed the proposed ordinance, and after an opportunity for the public to be heard and discussion believes that the proposed ordinance should be adopted by the City Council.

NOW THEREFORE, Grosse Pointe Woods Planning Commission hereby submits this report to the City Council pursuant to Section 50-120 of the Grosse Pointe Woods City Code and recommends that the City Council adopt the proposed amendment.

**GROSSE POINTE WOODS
PLANNING COMMISSION**

By: JOHN VITALE
Its: Planning Commission Chair

Dated: November ____, 2015

Votes: No ____

 Yes ____

AFFIDAVIT OF LEGAL PUBLICATION

Grosse Pointe News

21316 Mack Ave
Grosse Pointe Woods, Michigan 48236
(313) 882-3500

COUNTY OF WAYNE
STATE OF MICHIGAN, SS.

Joe Warner

being duly sworn deposes and says that attached advertisement

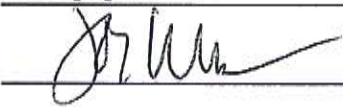
City of Grosse Pointe Woods

was duly published in accordance with instructions, in
the following date:

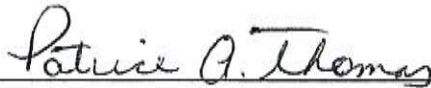
November 5, 2015

#2 GPW 11-5 PH 11-24

and knows well the facts stated herein, and that he is the
newspaper.



Subscribed and sworn to before me this 5TH day of Nov



PATRICE A. THOMAS
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Jun 21, 2020
ACTING IN COUNTY OF *Wayne*

Notary Public

City of ~~Grosse Pointe Woods~~, Michigan
PLANNING COMMISSION NOTICE

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Grosse Pointe Woods will hold a public hearing under the provisions of Michigan Compiled Laws, Sections 125.3101 through 125.3702 as amended, to consider amendments to Chapter 50, *Zoning*, at a meeting scheduled for Tuesday, November 24, 2015, at 7:30 p.m. in the Council Room of the Municipal Building. The proposed ordinance is available for public inspection at the Municipal Building, 20025 Mack Plaza, between 8:30 a.m. and 5:00 p.m., Monday through Friday. All interested persons are invited to attend and will be given opportunity for public comment. The public may appear in person or be represented by counsel. Written comments will be received in the City Clerk's office, up to the close of business preceding the hearing. A group spokesperson is encouraged on agenda items concerning organized groups. Individuals with disabilities requiring auxiliary aids or services at the meeting should contact the Grosse Pointe Woods Clerk's Office at 313 343-2440 seven days prior to the meeting:

**AN ORDINANCE TO AMEND CHAPTER 50 ZONING,
SEC. 50-526 ACCESSORY BUILDINGS,
BY ADDING REQUIREMENTS FOR PERMITS,
CONCRETE SLABS AND RATWALLS**

Lisa Kay Hathaway
City Clerk

G.P.N.: 11/5/2015

ORDINANCE # _____

**AN ORDINANCE TO AMEND CHAPTER 50 ZONING,
SEC. 50-526 ACCESSORY BUILDINGS,
BY ADDING REQUIREMENTS FOR PERMITS,
CONCRETE SLABS AND RATWALLS**

THE CITY OF GROSSE POINTE WOODS ORDAINS:

Sec. 50-526(1):

(g) Accessory buildings not exceeding 200 square feet require a zoning compliance permit issued by the Building Inspector, shall be placed on a 4 inch concrete slab over 4 inches of compacted sand, and shall have a 4 inch by 24 inch concrete rat wall below existing grade.

(h) Accessory buildings in excess of 200 square feet require a building permit issued by the Building Inspector, shall have a 4 inch by 24 inch rat wall, and shall have a 4 inch concrete slab or a frost protected foundation as required by State Building Code as amended.

**City of Grosse Pointe Woods
BUILDING DEPARTMENT
Monthly Financial Report – OCTOBER 2015**

Permits Issued: 218
Rental Certificates: 23 **Total: \$ 44,299.50**

CODE ENFORCEMENT

Abandoned/Foreclosure Compl. Notices Issued:	0
# of Complaints Investigated by Code Enforcement:	26
Closed Due to Compliance:	21
Open for Longer Compliance Time:	5
Citations Issued:	1
Early Trash Notices:	17
Code Violation Notices to Residents:	28
Tall Grass Notices Issued:	2
Stop Work notices to Contractors (working w/o permit):	15
Outside Storage:	18

NEW BUSINESS

None